

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FRANCES MEDELLIN,

Movant,

v.

No. 4:23-cv-0061-P
(No. 4:19-cr-0153-P)

UNITED STATES OF AMERICA,

Respondent.

OPINION

On January 17, 2023, Movant Frances Medellin filed a document purporting to be an application for writ of habeas corpus under 28 U.S.C. § 2241. The Court is satisfied that no other conclusion could be reached but that it is, instead, a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence. Nevertheless, in an abundance of caution, in light of *Castro v. United States*, 540 U.S. 375, 377 (2004), the Court hereby notifies Movant that: (1) it intends to construe the motion as one under § 2255, and (2) so construing the document will cause it to be subject to § 2255's "second or successive" restrictions. In addition, Movant has the right to amend the motion to include all the § 2255 claims she believes she has. Therefore, the Court is giving Movant an opportunity to withdraw or amend the filing. If she does not withdraw the filing by February 3, 2023, the Court may proceed to construe the motion as one brought under § 2255. If she does not withdraw or amend the filing by that date, the Court may proceed to construe the document as presenting all the grounds Movant wishes to pursue.

SO ORDERED on this **19th day of January 2023**.



MARK T. PITTMAN

UNITED STATES DISTRICT JUDGE